

THIS AMENDED RULE WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION ON FIRST AND SECOND READING ON FEBRUARY 6, 2009 AND IS SCHEDULED FOR FINAL APPROVAL BY THE BOARD ON MARCH 6, 2009.

R277. Education, Administration.

R277-491. School Community Councils.

R277-491-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Candidate" means a parent or school employee who has filed for election to the school community council.

C. "Contested race" means the election of members to a school community council when there are more candidates than open positions.

~~[F]D. "[Most-c]Critical academic needs" for purposes of this rule means a school's weakness(es) in [the areas of reading, writing, mathematics, science, social studies, technology, fine arts, foreign language, and career education in high schools]~~
academic areas for which there is a Utah Core curriculum.

~~[D]E. "Days" means calendar days unless otherwise specifically designated.~~

~~[E]F. "Develop school improvement plan and school trust program and other programs" means to participate actively in the creation of plans, including analysis of school assessment data, development of School LAND Trust budgets, and review of School LAND Trust expenditures under Section 53A-16-101.5(5) (a) (iv) and 53A-16-101.5(6) (b) (ii) [; -t]. This may include establishing subcommittees where needed or assigning work to individuals.~~

G. "Parent" means the parent or legal guardian of a student attending the non-charter public school or of a student who will be enrolled at the school in the next school year.

H. "Parent member" means a parent or guardian of a student who is attending the school or of a student who will be enrolled at the school in the next school year if the election is held in the spring. A parent member of a school community council may not include a person who meets the definition of a school employee member unless the person's employment at the school does not exceed an average of six hours per week, consistent with Section 53A-1a-108(1) (a) (ii).

I. "School administrator" means a school principal, school assistant principal or designee as specifically assigned by the school administrator.

J. "School community" means the geographic area designated by the school district as the attendance area with reasonable inclusion of the parents or legal guardians of additional students who are attending the school.

K. "School employee member" means a person employed at the school for more than an average of six hours per week by the school or school district; the principal is one school employee member.

L. "Secure ballot box" means a closed container prepared by the school for the deposit of secret ballots for the school

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community council elections.

M. "Student" means a child in public school grades kindergarten through twelve counted on the audited October 1 Fall Enrollment Report.

N. "Students attending the school" for purposes of this rule means students currently attending the school and those officially enrolled to attend the school in the next school year.

O. "USDB" means the Utah Schools for the Deaf and the Blind.

P. "USOE" means the Utah State Office of Education.

R277-491-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board and by Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. Local boards of education for school districts and the State Charter School Board for state-sponsored charter schools are responsible for school community council operations, plans, oversight, and training.

[B]C. The purpose of this rule is to:

(1) provide procedures and clarifying information to school community councils to assist them in fulfilling school community council responsibilities consistent with Section 53A-1a-108(3);

(2) provide direction to school districts and schools in establishing and maintaining school community councils whose primary focus is [improving educational excellence through team decision making by the principal and elected representatives of parents and staff]to develop, approve, and assist in implementing school improvement plans, and advise school/school district administrators consistent with Sections 53A-1a-108(3) and 53A-16-101.5;

(3) provide a framework and support for improved academic achievement of students that is locally driven from within individual schools, through critical review of testing results and other indicators of student success, by establishing meaningful, measurable goals and implementing research-based programs and processes to reach the goals;

(4) encourage increased participation of the parents, school employees and others that support the purposes of the school community councils; and

(5) encourage compliance with the law in the election of school community councils, in meeting reporting requirements, in complying with open and public meetings requirements.

R277-491-3. School Community Council Member Election Provisions.

A. Parents may stand for election as parent members of a

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school community council at a school if their child(ren) are attending the school or will be enrolled at the school in the next school year if the community council election is held in the spring.

B. Parents may vote for the school community council parent members if their child(ren) are enrolled or will be attending the school in the next school year, consistent with the intent to encourage the greatest participation possible of all available parents.

C. School community councils may establish procedures that allow for ballots to be clearly marked and mailed to the school in the case of geography or school distances that would otherwise discourage parent participation. Hand-delivered or mailed ballots shall meet the same timelines for voters voting in person.

D. Entire school districts or schools may allow parents to vote by electronic ballot. If school districts/schools allow voting by electronic means, the opportunity shall be clearly explained on the school district/school website including:

- (1) directions for electronic voting;
- (2) security provisions for electronic voting;
- (3) statement to parents and community members that violations of a school district's/school's voting procedures may disqualify a parent's vote or invalidate a specific school election, or both.

E. Ballots and voting are required only in the event of a school community council contested race.

F. School community councils are encouraged to establish clear and written:

- (1) procedures that are consistent with state law, Board rules, and local board policies;
- (2) procedures for the selection of school community council chairs and vice chairs;
- (3) timelines and procedures for school community council elections that may include receiving information from applicants in a timely manner; and
- (4) additional clarification and procedures to assist in the efficient operation of school community councils consistent with the law.

R277-491-4. School Community Council School/School Administrator Responsibilities.

A. A school administrator may not serve as chair or co-chair of the school community council.

[A]B. [A school administrator or designee shall assist a]The school community council chair [with]shall provide the following information to the school community, with assistance from the school administration:

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(1) Notice of dates and times of school community council elections at least 14 days before the elections are held;

(2) Timely notice of school community council positions that are up for election;

(3) Instructions for applying to become a school community council member together with timelines for submitting information and applications;

(4) Notice of the school community council meeting schedule, provided in the first 14 days of the school year;

(5) A summary of the school community council's actions and activities for the first half of the school year, provided mid-way through the school year;

(6) A summary of the annual expenditure report ~~[on how the school's]~~of all School LAND Trust Program funds ~~[were used consistent with approved uses of the funds,]~~provided to the school community and to the local board of education or State Charter School Board in the fall of the school year following the school year that the school plans ~~[was]~~were implemented; and

(7) Posting the school community council meeting information (time, place and date of meeting; meeting agenda and previous meeting minutes) on the school's website at least one week prior to each meeting, and on the access door(s) of the school on the day of the meeting.

~~B. [A school administrator shall assist a]~~The school community council chair, assisted by the school administrator, shall ~~[to]~~provide information on the school website and in at least one other direct delivery method ensuring that all parents are notified as provided in Section 53A- 1a-108(7) (a).

~~C. [A school administrator shall assist a]~~The school community council chair, assisted by the school administrator, shall~~[-to]~~act in compliance with the Utah Open and Public Meetings Act, Section 52-4-101 et seq., including:

(1) posting upcoming agendas and meeting locations;

(2) posting minutes of the most recent meeting;

(3) posting the agenda and location of the upcoming meeting on the school's website at least one week prior to the meeting;

(4) posting the agenda and location of the upcoming meeting on the school's access door on the day of the meeting;

(5) providing timely written minutes of the meeting[7]; and

(6) recording the meeting, and other required or appropriate activities.

D. School community council responsibilities do not allow for closed meetings, consistent with the purposes of Section 52-4-205.

~~[D]~~E. School community councils shall become familiar with and consider the following:

(1) Satisfying the meeting recording process with sensitivity for parents and community members whose primary language is not

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English; and

(2) The limitations of open and public meetings in secure or locked school settings and facilities.

R277-491-5. Parent Rights and Responsibilities.

A. Parents of students attending a school and to the extent possible, parents whose children will attend the school in the next school year (for spring community council elections) shall receive notice of open school community council positions and of elections consistent with Section 53A-1a-108.

B. Parents of students attending a school shall have access to schedules, agendas, minutes and decisions consistent with Sections 53A-1a-108(7) and (8).

C. School community council parent members shall participate fully in the development of various school plans described in Section 53A-1a-108(3) including, at a minimum:

- (1) School Improvement Plan;
- (2) School LAND Trust Plan;
- (3) Reading Achievement Plan (for elementary schools);
- (4) Professional Development Plan;
- (5) Child Access Routing Plan; and
- (6) Review of School Health Plans required under Section 53A-11-204.

D. Parents shall receive timely notice of school community council timelines and procedures that affect parent member elections, school community council meeting information and other parent rights or opportunities, consistent with state law, Board rules, and local board policy.

R277-491-6. Additional School Community Council Information and Provisions.

A. School community councils shall set the beginning terms for school community council members consistent with Section 53A-1a-108(5)(g).

B. School community councils shall report on ~~[projects]~~plans, [and] programs, and expenditures, including detailed descriptions of expenditures for professional development, at least annually to local boards of education and cooperate with the [USOE, training,] legislative and USOE monitoring, and audits.

C. School community councils may establish procedures and requirements for parent notification and election timelines that are not inconsistent with Sections 53A-1a-108, 53A-16-101.5, 52-4-101 et. seq., this rule, or local board policy.

D. Public schools that are secure facilities, juvenile detention facilities, hospital program schools, and other small special programs may receive all funds available to schools with

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school community councils if the schools demonstrate and document a good faith effort to recruit members, have meetings and publicize results as recognized and affirmed by local boards of education.

E. School community councils may designate districts, areas or grade levels in order to recruit school community council members from all areas of the school community. If parents from designated areas do not apply for the school community council positions, positions shall be filled with interested parents who do apply.

F. Local ~~[school]~~boards of education may ask school community councils to address local issues at the school community council level for discussion before bringing the issues to local ~~[school]~~boards of education. School community councils may be asked for information to inform local board decisions.

G. Local boards of education, and the State Charter School Board for state-sponsored charter schools, shall report approval dates of required plans to the USOE~~[have final and absolute authority in many school governance issues including school district employment, curriculum, calendaring and planning decisions]~~. School community councils are encouraged to~~[discuss these and similar issues in order to]~~ advise and inform~~[local]~~ elected local board members.~~[7]~~

H. ~~[1]~~Local boards ~~[members]~~of education make~~[final]~~ decisions in governing school districts with superintendents and principals acting under the direction and in behalf of local boards of education in all areas of governance, including implementing approved School Improvement and School LAND Trust Program plans.

KEY: school community councils

Date of Enactment or Last Substantive Amendment: ~~[November 10, 2008]~~2009

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3)